

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7832

TIMOTHY LYNN ODOM,

Petitioner - Appellant,

versus

ERNEST SUTTON,

Respondent - Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CA-01-525-MU)

Submitted: January 30, 2003

Decided: February 4, 2003

Before WIDENER, NIEMEYER, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Timothy Lynn Odom, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Timothy Lynn Odom seeks to appeal the district court's September 28, 2001, order dismissing his petition filed under 28 U.S.C. § 2254 (2000) for failure to pay the filing fee. We dismiss the appeal as moot because the district court re-instated the petition after Odom paid the filing fee after dismissal. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED